

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**LAVERT ROBERSON, Jr.,
ID # 890786,**

Petitioner,

vs.

**WILLIAM STEPHENS, Director,
Texas Department of Criminal
Justice, Correctional Institutions Division,
Respondent.**

No. 3:14-CV-4256-L (BH)

Referred to U.S. Magistrate Judge

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Pursuant to 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

Before the Court before the Court is the Plaintiff's *Motion to for Leave to Proceed In forma Pauperis* on appeal, received December 22, 2014 (doc. 7). Pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c),

- (X) the party appealing should be **DENIED** leave to proceed *in forma pauperis* for the following reason(s):
- (X) the person appealing has not shown that he is a pauper. The account statement provided with the financial affidavit shows a current balance of \$3,033.46. The Court should conclude that the petitioner will suffer no undue financial hardship after payment of the \$505.00 filing fee.

If the Court denies the request to proceed *in forma pauperis* on appeal, the movant may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4)(A). See Fed. R. App. P. 24(a)(5).

SIGNED this 5th day of January, 2015.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE